

Exhibit 3

From: Samantha Whitley <cgganalyst2@gmail.com>

Sent: Monday, October 5, 2020 1:05 PM

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Subject: URGENT—Counties' improper installation of unauthorized uncertified BMD software

CAUTION: This email originated from outside of Gwinnett County Government. Maintain caution when opening external links/attachments.

Dear Election Official,

Please ensure that all members of your county board of elections receive this email, if your county has an elections board.

We write you with grave concerns about the alarming improper changes that we believe that all counties are making to the BMD voting system at the direction of the Secretary of State. The changes being made, contrary to Georgia law, are very serious, unauthorized, and outside the parameters of anything we at Coalition for Good Governance are aware of ever being done in any state for any election. The seriousness of these actions cannot be overstated.

The Secretary of State does not have the authority to order the counties to install uncertified software, nor do the counties have the authority to do so under any circumstances.

We urge your county's decision makers to use their authority under Georgia statutes (O.C.G.A. §21-2-281 and Election Rule 183-1-12-.11(2)(c)-(d)) to use the only legal, safe, secure and resilient system for the upcoming election—the use of hand marked paper ballots, counted on optical scanners with robust audits.

The change is not only the sole solution available to the counties for conducting the election in a legally compliant manner, but the only solution to conduct a defensible election that can withstand challenges from losing candidates. Continuing on the course of using the problem non-compliant BMD system seems almost certain to draw many legal challenges against the counties from losing candidates. The BMDs were always unreliable technology that undercut any chance of conducting an auditable election. However, the risk has been exponentially escalated with the last minute software changed, inaccurately minimized as simply a “database change” by the Secretary's office.

The very important details are in our letter to Fulton County linked below. We ask that you read the letter in detail and consider that all points apply to all 159 counties. We also ask that you forward the letter to your county attorney as well as all board members for their consideration.

Important legal details are in this letter to Fulton County: <https://coalitionforgoodgovernance.sharefile.com/d-s22084941c724442b>

We remind you that voting system components require all the following steps to be completed before you can use them in Georgia:

1. EAC submission, third party laboratory testing, EAC certification.
2. State certification agent testing to Georgia statutory requirements, and report to the SOS.
3. SOS certification of the software.
4. Acceptance testing by the county for each piece of equipment impacted.
5. Installation of the November 3 configuration and complete LAT as required by statute (not the shortcut procedures issued by the SOS.)

This is a multi-month process that should not be rushed in the matter of a week. This process is creating a high risk of unintended consequences and undetected errors. Your county cannot assume that such errors will be detected in LAT or even in early voting.

Recall that your county board was to certify 10 days before voting that the county is not using any uncertified components. (O.C.G.A. § 21-2-368(d)) **If your office is installing the SOS's new software, of course that certification cannot be made.**

As you are aware the county board of elections (superintendent) has the authority and responsibility to declare that the use of the BMD system is impossible, impracticable, or “unusable.” When the use of the equipment is specifically counter to state laws regarding voting system certification and secret ballot protections, the county should certainly be finding it “impossible” and “impracticable” to use.

Because each polling place must sufficient emergency paper ballots during early voting and on election day, a switch to all paper ballots simply requires the printing of more ballots (or the use of ballot-on-demand printers), and reinforced training on the use of paper ballots for poll workers.

Please consider the information that we have included, and ask that your board or superintendent meet to make a decision on this matter.

We are happy to provide additional information if you would find it helpful

Best,

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